

1 TIMOTHY S. CORY, ESQ.  
Nevada Bar No. 1972  
2 **DURHAM JONES & PINEGAR**  
10985 W. Twain Ave., #200  
3 Las Vegas, Nevada 89135  
Telephone (702) 870-6060  
4 tcory@djplaw.com

Efiled: 7/17/13

5 Attorneys for the Debtor

6 **UNITED STATES BANKRUPTCY COURT**  
7 **DISTRICT OF NEVADA**

8 IN RE:

Case No. 12-23519-BAM

9 BUYERS ONLY REAL ESTATE  
AGENCY, LLC,

Chapter 11

10  
11 Debtor.

**Date: August 20, 2013**

**Time: 11:00 a.m.**

12  
13  
14 **FIRST APPLICATION FOR COMPENSATION AND REIMBURSEMENT OF**  
15 **EXPENSES OF DURHAM JONES & PINEGAR, AS**  
16 **COUNSEL TO THE DEBTOR**

17 Durham Jones & Pinegar ("DJP"), counsel to the Debtor, hereby makes this first  
18 application (the "Application"), pursuant to sections 330 and 331 of title 11 of the United States  
19 Code (the "Bankruptcy Code") and Federal Rule of Bankruptcy Procedure 2016, for allowance of  
20 compensation for professional services rendered and reimbursement of actual and necessary  
21 expenses incurred in connection with its services rendered to the Debtor for the period from  
22 December 12, 2012 through June 30, 2013 (the "Compensation Period").  
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**PROPOSED ORDER**

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**BACKGROUND**

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3 1. On December 11, 2012 (the "Petition Date"), Buyers Only Real Estate Agency,  
4 LLC, filed a voluntary petition for relief under chapter 11 of the Bankruptcy Code.

5  
6 2. On December 19, 2012, DJP filed its Application to be employed as Attorneys to  
7 the Debtor in this proceeding.

8  
9 3. A hearing was held for the Employment Application on January 22, 2013. At the  
10 time of the referenced hearing, the Employment Application was approved.

11  
12 4. By order entered on January 25, 2013 the Court authorized the retention of  
13 Durham Jones and Pinegar.

**RELIEF REQUESTED**

14  
15 5. By this Application, DJP seeks a first allowance of compensation for professional  
16 services rendered by the firm as counsel to the Debtor for the Compensation Period in the  
17 amount of Thirty Thousand Two Hundred Eighty-Five and 00/100 Dollars (\$30,285.00) and  
18 reimbursement of expenses in the amount of One Thousand Four Hundred Seventy-Seven and  
19 91/100 (\$1,477.91). At the time this case was filed, DJP held \$15,643.40 in its trust account in  
20 regards to the Debtor. This compensation application seeks allowance of immediate payment of  
21 those amounts held in the trust account.  
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1           6.       During the compensation period, DJP rendered services to the Debtor in the  
2 amount of \$30,285.00 representing 104.6 hours of professional services and incurred costs and  
3 expenses of \$1,477.91.

4  
5           7.       A summary of the partners, counsel, associates and paraprofessionals who  
6 performed services on behalf of DJP during the Compensation Period, including the hours of  
7 services performed by each such person, the rates charged by DJP for the services of each such  
8 person, the total value of the services performed by each person and the total value of the  
9 services performed by DJP during the Compensation Period is attached hereto as **Exhibit "A."**

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11           8.       A summary of the actual, out-of-pocket costs and expenses incurred by DJP in  
12 connection with its representation of the Debtor are attached hereto as **Exhibit "B."** These costs  
13 and expenses have been incurred in accordance with the firm's customary practice of charging  
14 clients for those expenses clearly related to and required by particular matters, rather than  
15 including such charges as part of the firm's hourly rates.

16  
17           9.       More detailed itemization of the services performed and time spent and expenses  
18 incurred in connection with the representation of the Debtor during the Compensation Period is  
19 provided in the time and disbursement records attached hereto as **Exhibit "C."** Such records are  
20 made contemporaneously with the rendition of services by the person rendering such services  
21 and in the ordinary course of the billing practices of DJP.

22  
23           10.       All services performed and expenses incurred by DJP for which compensation or  
24 reimbursement is requested herein were performed or incurred for and on behalf of the Debtor,  
25 and were not for any other person or entity.

**SUMMARY DESCRIPTION  
OF SERVICES PERFORMED**

11. During the Compensation Period, Durham Jones & Pinegar served as general legal counsel to the Debtor. Services provided to the Debtor in this capacity included preparing statement of financial affairs and schedules, advising the Debtor regarding its duties as Debtor-in-Possession, preparing cash collateral stipulation, preparing a plan of reorganization and disclosure statement, assist in the ordinary course of business with secured creditors, assist the Debtor with monthly accounting requirements.

12. Durham Jones & Pinegar respectfully submits that the professional services rendered by it for and on behalf of the Debtor were necessary and have contributed to the effective administration of the Debtor cases.

13. Section 330(a)(3) of the Bankruptcy Code provides that, in determining the amount of reasonable compensation to be award to a professional, "the court shall consider the nature, the extent, and the value of such services, taking into account all relevant factors . . . ." That section then lists six factors to be considered by the court. Durham Jones & Pinegar respectfully submits that the compensation which it is seeking is reasonable and that, as indicated below, the factors listed in Section 330(a)(3) support the award sought in this Application.

(a) Time Spent on Services: Durham Jones & Pinegar expended 104.6 hours of professional time on behalf of the Debtor during the Compensation Period.

1 (b) Rates Charges for Services: The compensation sought by Durham Jones &  
2 Pinegar in this Application represents a blended hourly rate of  
3 approximately \$289.54. That rate is commensurate with fees awarded to  
4 Durham Jones & Pinegar in other cases and the fees charges by comparable  
5 law firms.  
6

7 (c) Whether the Services Were Necessary and/or Beneficial: Durham Jones &  
8 Pinegar respectfully submits that its representation of the Debtor was both  
9 necessary and beneficial to the estate. The firm's services contributed to  
10 the effective administration of the Debtor's case by assisting the Debtor in  
11 continuing to operate as a Debtor-in-Possession under the requirements of  
12 the Bankruptcy Code.  
13

14 (d) Whether the Services Were Performed in a Reasonable Amount of Time:  
15 Durham Jones & Pinegar has made every effort to ensure that tasks were  
16 performed by the most appropriate professionals and paraprofessionals  
17 given the complexity, importance, and nature of the task, and that all tasks  
18 were performed in a reasonable amount of time.  
19

20 (e) The Skill and Experience of the Professionals: The services provided to the  
21 Debtor-in-Possession during the Compensation Period were primarily  
22 performed by: Timothy S. Cory, a Partner, who was admitted to the bar in  
23 1981 and has extensive experience in bankruptcy matters.  
24  
25  
26



1 (f) Whether the Compensation is Reasonable Based on Customary  
2 Compensation: The fees sought by Durham Jones & Pinegar in this  
3 Application are commensurate with fees awarded to Durham Jones &  
4 Pinegar in other cases, including non-bankruptcy cases, and the fees  
5 charges by comparable law firms.  
6

7 **ITEMIZATION OF SERVICES RENDERED**

8 14. The reasonable valuation of services rendered by applicant as attorneys for the  
9 Debtor in this case is \$30,285.00. This amount is based upon an hourly rate calculation as set  
10 forth in the detailed breakdown of the services rendered. This amount is based upon Timothy S.  
11 Cory having performed 40.5 hours at \$425.00 per hour, total \$17,212.50; Kenneth L. Cannon II  
12 having performed 14.8 hours at \$390.00 per hour, total \$5,772.00; Suzanne Alexander having  
13 performed 0.3 hour at \$125.00 per hour, total \$37.50, and 31.1 hours at \$150.00 per hour, total  
14 \$4,665.00; and Susanne Bryant having performed 5.8 hours at \$135.00 per hour, total \$783.00,  
15 and 12.1 hours at \$150.00 per hour, total \$1,815.00; for a total of 104.6 hours on behalf of the  
16 Debtor for the period of December 12, 2012, through June 30, 2013.  
17

18 **COMPENSATION BY PROJECT**

19  
20 15. Attached hereto as **Exhibit "D"** are definitions for the project categories as used  
21 by Durham Jones & Pinegar.  
22

23 16. Asset Disposition: Timothy S. Cory: 1.5 hours at \$425.00 per hour, total \$637.50;  
24 and Suzanne Alexander: 7.7 hours at \$150 per hour, total \$1,155; grand total \$1,792.50.  
25  
26

1           17.    Case Administration: Timothy S. Cory: 37.5 hours at \$425.00 per hour for a total  
2 of \$15,937.50; Suzanne Alexander: 0.3 hour at \$125.00 per hour for a total of \$37.50, and 6.0  
3 hours at \$150.00 per hour, total \$900.00; and Susanne Bryant: 2.7 hours at \$135.00 per hour,  
4 total \$364.50, and 10.0 hours at \$150 per hour, total \$1,500.00; grand total \$18,739.50.  
5

6           18.    Fee and Employment Applications: Timothy S. Cory: 1.0 hour at \$425.00 per  
7 hour, total \$425.00; Suzanne Alexander: 2.6 hours at \$150.00 per hour, total \$390.00; and  
8 Susanne Bryant: 0.5 hour at \$135.00 per hour, total \$67.50, and 1.7 hours at \$150.00 per hour,  
9 total \$255.00; grand total \$1,137.50.  
10

11           19.    Meeting of Creditors: Susanne Bryant: 2.6 hours at \$135.00 per hour, total  
12 \$351.00.  
13

14           20.    Plan and Disclosure Statement: Kenneth L. Cannon II: 14.8 hours at \$390.00 per  
15 hour, total \$5,772.00; and Suzanne Alexander: 14.4 hours at \$150.00 per hour, total \$2,160.00;  
16 grand total \$7,932.00.  
17

18           21.    Relief from Stay Proceedings: Suzanne Alexander: 0.4 hour at \$150.00 per hour,  
19 total \$60.00; and Susanne Bryant: 0.2 hour at \$150.00 per hour, total \$30.00; grand total \$90.00  
20

21           22.    Litigation: Timothy S. Cory: 0.5 hour at \$425.00 total \$212.50; and Susanne  
22 Bryant: 0.2 hour at \$150.00 per hour, total \$30.00; grand total \$242.50.  
23

24           23.    Durham Jones & Pinegar believe that the Application is in compliance with the  
25 United States Trustee Guidelines for Reviewing Applications for Compensation and  
26 Reimbursement of Expenses Filed Under 11 U.S.C. § 330, dated January 30, 1996.



24. Durham Jones & Pinegar has not shared or agreed to share compensation or reimbursement to be awarded in this case with any other person.

25. This Application does not raise any novel issues of law and Durham Jones & Pinegar has cited to relevant case law within the Application. Accordingly, Durham Jones & Pinegar respectfully requests that the Court dispense with the requirement of LR 9014(d)(1) that motions include a legal memorandum.

WHEREFORE, Durham Jones & Pinegar respectfully requests an order approving compensation in the amount of \$30,285.00 representing 104.6 hours of professional services and incurred costs and expenses of \$1,477.91 for a total amount of **\$31,762.91**, \$15,643.40 of which will be paid from the funds held in DJP's trust account, and for such other and further relief as this Court deems just and proper.

DATED: July 17, 2013

Respectfully submitted by:

**DURHAM JONES & PINEGAR**

/s/ Timothy S. Cory  
TIMOTHY S. CORY, ESQ.  
Attorneys for the Debtor

**CERTIFICATE OF SERVICE**

I hereby certify that a true and accurate copy of the foregoing **FIRST APPLICATION FOR COMPENSATION AND REIMBURSEMENT OF EXPENSES OF DURHAM JONES & PINEGAR, AS COUNSEL TO THE DEBTOR** was served this 17<sup>th</sup> day of July, 2013 via regular U.S. mail, postage prepaid upon all parties appearing on the attached mailing matrix and to the following:

United States Bankruptcy Court  
Judge Markell's Courtesy Copy  
300 Las Vegas Blvd. South  
Las Vegas, NV 89101

/s/ Angie W. Stettler  
Durham Jones & Pinegar

Label Matrix for local noticing  
0978-2  
Case 12-23519-bam  
District of Nevada  
Las Vegas  
Tue Jul 16 16:54:06 PDT 2013

NEWCOM TELEPHONE COMPANY, INC.  
3433 RINGSTAR RD, STE 1  
N. LAS VEGAS, NV 89030-4475

United States Bankruptcy Court  
300 Las Vegas Blvd., South  
Las Vegas, NV 89101-5833

Clark County Treasurer  
c/o Bankruptcy Clerk  
500 S. Grand Central Pkwy  
Box 551220  
Las Vegas, NV 89155-4502

Dept. of Employment, Training & Rehab  
Employment Security Division  
500 East Third Street  
Carson City, NV 89713-0002

Las Vegas Wedding Bureau, LLC  
555 South 3rd Street  
Las Vegas, NV 89101-6501

Nevada State Bank  
PO Box 990, Mail Code 3800  
Las Vegas, NV 89125-0990

Reade & Associates  
1333 North Buffalo Dr  
Las Vegas, NV 89128-3636

BUYERS ONLY REAL ESTATE AGENCY, LLC  
555 SOUTH 3RD STREET  
LAS VEGAS, NV 89101-6501

READE & ASSOCIATES  
1333 N. BUFFALO DR., #210  
LAS VEGAS, NV 89128-3636

Clark County Assessor  
c/o Bankruptcy Clerk  
500 S. Grand Central Pkwy  
Box 551401  
Las Vegas, NV 89155-4502

Clifford P and Susanne R Evarts  
2360 Villandry Court  
Henderson, NV 89074-5331

Internal Revenue Service  
P.O. Box 7346  
Philadelphia, PA 19101-7346

NEVADA STATE BANK  
Attn: Brian Solomon  
400 N. Green Valley Parkway. 2nd Floor  
Henderson, Nevada 89074-7706

Nevada State Development  
Acct No xxxxxx4008  
Corporation  
6572 S. McCarran Blvd.  
Reno, NV 89509-6112

United States Trustee  
300 Las Vegas Blvd. South #4300  
Las Vegas, NV 89101-5803

NEVADA STATE BANK  
C/O MCDONALD CARANO WILSON LLP  
2300 W. SAHARA AVE., SUITE 1200  
LAS VEGAS, NV 89102-4395

U.S. TRUSTEE - LV - 11 11  
300 LAS VEGAS BOULEVARD S.  
SUITE 4300  
LAS VEGAS, NV 89101-5803

Clark County Treasurer  
PO Box 551220  
Las Vegas, NV 89155-1220

Commercial Consultants  
10150 E. Cochise Drive, Suite 100  
Scottsdale, AZ 85258-4800

JAMS  
PO Box 512850  
Los Angeles, CA 90051-0850

Nevada Department of Taxation  
Bankruptcy Section  
555 E. Washington Ave. #1300  
Las Vegas, NV 89101-1046

Newcom Telephone Co Inc.  
3433 Ringstar Road  
North Las Vegas, NV 89030-4474

TIMOTHY S. CORY  
DURHAM JONES & PINEGAR  
10785 W. TWAIN AVE., STE 200  
LAS VEGAS, NV 89135-3028

The following recipients may be/have been bypassed for notice due to an undeliverable (u) or duplicate (d) address.

(d)NEVADA STATE BANK  
C/O MCDONALD CARANO WILSON LLP  
2300 W. SAHARA AVE., SUITE 1200  
LAS VEGAS, NV 89102-4395

End of Label Matrix  
Mailable recipients 23  
Bypassed recipients 1  
Total 24



## EXHIBIT A

SUMMARY OF HOURLY FEES BY PROFESSIONAL FOR  
THE PERIOD OF DECEMBER 12, 2012 THROUGH JUNE 30, 2013

| <u>Name</u>       | <u>Position</u> | <u>Admitted</u> | <u>Rate</u>   | <u>Hours</u> | <u>Fees</u>        |
|-------------------|-----------------|-----------------|---------------|--------------|--------------------|
| Timothy S. Cory   | Attorney        | 1981            | \$425         | 40.5         | \$17,212.50        |
| Kenneth L. Cannon | Attorney        | 1982            | \$390         | 14.8         | \$5,772.00         |
| Suzanne Alexander | Paralegal       |                 | \$125         | 0.3          | \$37.50            |
|                   |                 |                 | \$150         | 31.1         | \$4,665.00         |
| Susanne Bryant    | Paralegal       |                 | \$135         | 5.8          | \$783.00           |
|                   |                 |                 | \$150         | 12.1         | \$1,815.00         |
|                   |                 |                 | <b>Total:</b> | <b>104.6</b> | <b>\$30,285.00</b> |

**EXHIBIT B****SUMMARY OF EXPENSES BY CATEGORY FOR, THE PERIOD  
DECEMBER 12, 2012 THROUGH JUNE 30, 2012**

| <u>Category</u>      | <u>Amount</u> |
|----------------------|---------------|
| Online Research..... | \$19.40       |
| Filing Fees.....     | \$1,213.00    |
| Postage.....         | \$77.96       |
| Copies.....          | \$167.55      |

|              |                   |
|--------------|-------------------|
| <b>TOTAL</b> | <b>\$1,477.91</b> |
|--------------|-------------------|

**EXHIBIT C**

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D U R H A M

J O N E S &amp;

P I N E G A R

DURHAM JONES & PINEGAR, P.C.  
 10785 West Twain Avenue  
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 702.870.6060  
 702.870.6090 Fax  
 www.djplaw.com  
 F.E.I. # 87-0399832

June 30, 2013

Buyers Only Real Estate Agency  
 Cliff Evarts  
 555 South 3rd Street  
 Las Vegas, NV 89101

### Invoice Summary

Invoice No. 367354

For professional services rendered and costs advanced through June 30, 2013:

| <u>Matter #</u> | <u>Matter Description</u>    | <u>Fees</u>      | <u>Costs</u>    | <u>Total</u>     |
|-----------------|------------------------------|------------------|-----------------|------------------|
| 3               | Asset Disposition            | 1,792.50         | 10.28           | 1,802.78         |
| 5               | Case Administration          | 18,739.50        | 1,458.43        | 20,197.93        |
| 9               | Fee/Employment Apps          | 1,137.50         | 9.20            | 1,146.70         |
| 11              | Meeting of Creditors         | 351.00           | .00             | 351.00           |
| 12              | Plan and Disc. Statements    | 7,932.00         | .00             | 7,932.00         |
| 13              | Relief from Stay Proceedings | 90.00            | .00             | 90.00            |
| 15              | Litigation                   | 242.50           | .00             | 242.50           |
| <b>Total</b>    |                              | <b>30,285.00</b> | <b>1,477.91</b> | <b>31,762.91</b> |

|                              |                     |
|------------------------------|---------------------|
| Total Fees                   | \$ 30,285.00        |
| Total Expenses               | \$ 1,477.91         |
| <b>Total of This Invoice</b> | <b>\$ 31,762.91</b> |

|                             |              |
|-----------------------------|--------------|
| Trust Funds Held on Account | \$ 15,643.40 |
|-----------------------------|--------------|

*Interest accrues at 1.5% per month on balance not paid after 30 days.*

D U R H A M

J O N E S &amp;

P I N E G A R

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 702.870.6060  
 702.870.6090 Fax  
 www.djplaw.com  
 F.E.I. # 87-0399832

Client #: 45427 Buyers Only Real Estate Agency  
 Matter #: 3 Asset Disposition  
 Invoice No. 367354

**Detail of Professional Fees**

| <u>Date</u> | <u>Atty</u> | <u>Description of Services Rendered</u>   | <u>Hours</u> | <u>Amount</u> |
|-------------|-------------|---|--------------|---------------|
| 1/02/13     | TSC         | Telephone conference with M. Mushkin regarding stipulation to lift stay. Initial preparation of motion to value.  | 1.00         | 425.00        |
| 2/25/13     | TSC         | Telephone conference with Mike Mushkin regarding stipulation to modify stay, revise stipulation and forward to Mushkin.   | .50          | 212.50        |
| 4/26/13     | SLA         | Email correspondence with client regarding status of Motion to Value Property, Application to Employ C. Reade. Conference with T. Cory regarding timing of filing motions. Email correspondence to G. Anderson regarding signed Declaration. Prepare Exhibit A to Declaration for filing. | 1.80         | 270.00        |
| 5/07/13     | SLA         | Review and revise Motion to Value Collateral, Order and Notice of Hearing regarding same. Email correspondence with G. Anderson, C. Evarts, C. Reade, conference with T. Cory regarding same.   | 3.10         | 465.00        |
| 5/07/13     | SLA         | Prepare Certificate of Service for Motion to Value, Declaration, Notice of Hearing.   | .70          | 105.00        |
| 5/08/13     | SLA         | Conference with T. Cory, e-mail correspondence with Harriette Whitehouse regarding continued dates for Motion to Value hearing. Prepare Amended Notice of Hearing and Certificate of Service, file same.  | 1.30         | 195.00        |
| 5/09/13     | SLA         | Email correspondence with T. Cory, G. Anderson regarding Valuation hearing testimony.   | .20          | 30.00         |
| 5/10/13     | SLA         | Email correspondence with G. Anderson regarding testimony at hearing on Motion to Value Property.   | .30          | 45.00         |
| 6/06/13     | SLA         | Review Cross-Motion and Opposition, conference with T. Cory regarding Reply.  | .30          | 45.00         |
| Total Fees: |             |   |              | \$ 1,792.50   |

**Detail of Client Expenses**

| <u>Date</u> | <u>Description</u>    | <u>Amount</u> |
|-------------|-----------------------|---------------|
|             | Postage               | 5.28          |
| 5/31/13     | Pacer Online Research | 5.00          |



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 702.870.6090 Fax  
 www.djplaw.com  
 F.E.I. # 87-0399832

Total Expenses: \$ 10.28

**Total This Matter** **\$ 1,802.78**

Client #: 45427 Buyers Only Real Estate Agency  
 Matter #: 5 Case Administration  
 Invoice No. 367354

**Detail of Professional Fees**

| <u>Date</u> | <u>Atty</u> | <u>Description of Services Rendered</u>   | <u>Hours</u> | <u>Amount</u> |
|-------------|-------------|---|--------------|---------------|
| 12/12/12    | TSC         | Telephone conference with M. Mushkin regarding automatic stay.  | .50          | 212.50        |
| 12/12/12    | SLA         | Review Notice of 341 meeting, e-mail correspondence with Cliff Evarts regarding same, calendar deadlines.   | .30          | 37.50         |
| 12/12/12    | SSB         | [NO CHARGE] edit and file Chapter 11 Schedules & Statements   | .60          | n/c           |
| 12/14/12    | TSC         | Review correspondence from US Trustee regarding IDI, begin preparation for meeting.   | 1.00         | 425.00        |
| 12/14/12    | SSB         | [NO CHARGE] review docs from UST forward to Client  | .20          | n/c           |
| 12/17/12    | TSC         | Review arbitration status, correspondence from client, draft motion to employ   | 1.50         | 637.50        |
| 12/18/12    | TSC         | Telephone conference with Mushkin regarding arbitration, review and revise application to employ.   | .50          | 212.50        |
| 12/26/12    | TSC         | Correspondence with client regarding claims, creditors committee, arbitration stipulation to lift stay, telephone conference with Cliff regarding valuation motion. | 1.50         | 637.50        |
| 1/10/13     | TSC         | Prepare for and attend 341 meeting.   | 3.00         | 1,275.00      |
| 1/11/13     | SSB         | Correspondence to Client regarding: Operating Budget  | .10          | 13.50         |
| 1/15/13     | SSB         | Emails with Cliff regarding: MOR's  | .10          | 13.50         |
| 1/16/13     | SSB         | Emails with Cliff regarding: DIP card; draft correspondence to UST and forward same   | .20          | 27.00         |
| 1/17/13     | TSC         | Review correspondence from client, respond to questions regarding banking and ordinary course payments.   | 1.00         | 425.00        |
| 1/17/13     | SSB         | E-mail to Cliff regarding: continued 341  | .10          | 13.50         |
| 1/17/13     | SSB         | E-mail from Cliff regarding: continued 341; forward same to Tim   | .10          | 13.50         |
| 1/17/13     | SSB         | Correspondence from Cliff regarding monthly operating report  | .20          | 27.00         |
| 1/18/13     | TSC         | Revise stipulation regarding lift stay.   | .50          | 212.50        |
| 1/22/13     | SSB         | Forward 12/12 MOR for Mr. Cory's review and file same with Court  | .40          | 54.00         |
| 1/22/13     | SSB         | Telephone call with Cliff regarding: Monthly Operating Report;  | .20          | 27.00         |



D U R H A M

J O N E S &amp;

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 702.870.6060  
 702.870.6090 Fax  
 www.djplaw.com  
 F.E.I. # 87-0399832

| <u>Date</u> | <u>Atty</u> | <u>Description of Services Rendered</u>  | <u>Hours</u> | <u>Amount</u> |
|-------------|-------------|--|--------------|---------------|
|             |             | prepare correspondence to Ed McDonald and forward signature card for DIP Account   |              |               |
| 1/23/13     | TSC         | Conference with C. Evarts regarding DIP issues and direction.  | 1.00         | 425.00        |
| 1/24/13     | SSB         | Research and start draft of cash collateral stip   | 1.20         | 162.00        |
| 1/25/13     | SSB         | Pull petition and notice of commencement from court docket, forward to Cliff for bank  | .10          | 13.50         |
| 2/12/13     | TSC         | Prepare for continued 341 meeting, review file status.   | 1.00         | 425.00        |
| 2/12/13     | SSB         | Review correspondence from Jim Palmer; forward to Client; telephone conference with Mr. Palmer regarding: 341 meeting  | .40          | 60.00         |
| 2/13/13     | SSB         | Research and draft Corporate Resolution  | .40          | 60.00         |
| 2/14/13     | TSC         | Prepare for and attend continued 341 meeting.  | 1.00         | 425.00        |
| 2/19/13     | TSC         | Review pending state court action, review operating report, tc with C. Reade.  | 1.00         | 425.00        |
| 2/19/13     | SSB         | Emails with Cliff; prepare MOR for filing and coordinate filing.   | .60          | 90.00         |
| 2/26/13     | TSC         | Telephone conference with M. Mushkin regarding modifying stay, review revised stipulation.   | .50          | 212.50        |
| 3/13/13     | SSB         | Work on Motion to Value; review Recorder's website; schedule D; work on draft Affidavit of Appraiser; review Addenda to Appraisal for Appraiser's Qualification for the Affidavit; | 2.00         | 300.00        |
| 3/14/13     | SSB         | Meeting with TSC regarding Motion to Value; Motion to Employ and Affidavits.   | .50          | 75.00         |
| 3/20/13     | SLA         | Review status, conference with T. Cory regarding same.   | .40          | 60.00         |
| 3/25/13     | SSB         | Finalize and coordinate filing of February 2013 MOR.   | .20          | 30.00         |
| 3/26/13     | SSB         | [NO CHARGE] contact Chris Reade's office for evidence of prepetition fees.   | .10          | n/c           |
| 3/26/13     | SSB         | Review JAMS proceeding to continue drafting App to Employ Chris Reade; continue with draft   | 1.60         | 240.00        |
| 4/01/13     | TSC         | Conference with Cliff Evarts and Chris Reade regarding arbitration and case administration.  | 1.50         | 637.50        |
| 4/01/13     | SSB         | Review and prepare file for meeting with client and C. Reade   | .40          | 60.00         |
| 4/10/13     | TSC         | Correspondence regarding arbitration.  | .50          | 212.50        |
| 4/16/13     | TSC         | Correspond regarding arbitration scheduling and amended modification of stay stipulation.  | 1.50         | 637.50        |
| 4/16/13     | SSB         | Review and upload MOR; conference with TSC regarding bank accounts   | .20          | 30.00         |
| 4/17/13     | TSC         | Prepare Application to employ Reade as special counsel and correspond with Mushkin regarding erroneous stipulation to modify stay.   | 1.50         | 637.50        |



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 702.870.6090 Fax  
 www.djplaw.com  
 F.E.I. # 87-0399832

| <u>Date</u> | <u>Atty</u> | <u>Description of Services Rendered</u>  | <u>Hours</u> | <u>Amount</u> |
|-------------|-------------|--|--------------|---------------|
| 4/17/13     | SSB         | Draft Motion for OST regarding: employment of Chris Reade.   | 1.50         | 225.00        |
| 4/17/13     | SSB         | Forward stip regarding: stay, Motion to Value, Motion to Employ Special Counsel and Motion to Employ to TSC for review   | .40          | 60.00         |
| 4/17/13     | SSB         | Draft Motion for OST; Affidavit of Attorney; Attorney Info Sheet and Order regarding Motion to Employ Special Counsel  | .60          | 90.00         |
| 4/18/13     | TSC         | Review and forward amended stipulation regarding modification of stay.   | .50          | 212.50        |
| 4/23/13     | TSC         | Correspond regarding pending issues to C. Reade regarding employment and arbitration.  | 1.00         | 425.00        |
| 4/24/13     | TSC         | Review correspondence from Reade regarding arbitration.  | .50          | 212.50        |
| 4/24/13     | TSC         | Review BPO and forward to Sheila.  | .50          | 212.50        |
| 4/24/13     | SLA         | Review and revise Application to Employ Special Counsel, forward same to C. Evarts for review and signature. Review and revise Verified Statement/Declaration of Professional in Support of Application to Employ Special Counsel, forward same to C. Reade for review and signature. Review and revise proposed Order. Prepare Notice of Hearing. Prepare Certificate of Service. Petition Court for hearing date and time. | 1.80         | 270.00        |
| 4/25/13     | SLA         | Finalize Verified Statement of C. Reade; follow-up e-mail to client regarding Application to Employ; Update Notice of Hearing and Certificate of Service.  | .40          | 60.00         |
| 4/26/13     | SLA         | Review e-mail correspondence regarding changes to be made to Motion to Value.  | .20          | 30.00         |
| 5/06/13     | TSC         | Correspond with NSB Re status.   | .50          | 212.50        |
| 5/13/13     | SLA         | Prepare Certificate of Service regarding Application to Employ, file same.   | .20          | 30.00         |
| 5/17/13     | SSB         | Draft Amended Certificate of Service regarding Motion to Value; coordinate filing and service of same.   | 1.20         | 180.00        |
| 5/23/13     | SLA         | Review case status with T. Cory.   | .20          | 30.00         |
| 6/05/13     | TSC         | Review documents and information provided by the client, and revise affidavit regarding valuation.   | 1.50         | 637.50        |
| 6/06/13     | TSC         | Initial preparation of reply memorandum to Motion to Value; telephone conference with Glen Anderson regarding declaration.   | 2.00         | 850.00        |
| 6/10/13     | TSC         | Finalize Declaration of Glenn Anderson; witness preparation, and finalize Reply in support of Motion to Value.   | 2.00         | 850.00        |
| 6/11/13     | TSC         | Finalize Evarts Declaration; telephone conference with Cliff and hearing preparation.  | 2.00         | 850.00        |
| 6/12/13     | SLA         | Cause service to be completed, prepare and file Certificate of   | .60          | 90.00         |

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 F.E.I. # 87-0399832

| <u>Date</u> | <u>Atty</u> | <u>Description of Services Rendered</u>   | <u>Hours</u> | <u>Amount</u> |
|-------------|-------------|---|--------------|---------------|
|             |             | Service, cause courtesy copies to be sent to Judge Markell.   |              |               |
| 6/17/13     | TSC         | Amend Schedules and prepare for hearing regarding valuation.  | 2.00         | 850.00        |
| 6/17/13     | SLA         | Prepare and revise amended schedules and statements, e-mail correspondence with client regarding same, file same.       | 1.40         | 210.00        |
| 6/17/13     | SLA         | Email correspondence regarding monthly operating report.  | .10          | 15.00         |
| 6/18/13     | TSC         | Prepare for, and attend hearing regarding valuation, employment of Reade and Associates.                                | 4.00         | 1,700.00      |
| 6/20/13     | TSC         | Correspond with NSB counsel and prepare cash collateral stipulation.  | 2.00         | 850.00        |
| 6/20/13     | SLA         | Prepare Order Granting Application to Employ, circulate to R. Works and M. Mushkin for approval as to form and content. | .70          | 105.00        |
| Total Fees: |             |   |              | \$ 18,739.50  |

**Detail of Client Expenses**

| <u>Date</u>     | <u>Description</u>      | <u>Amount</u> |
|-----------------|-------------------------|---------------|
| 12/13/12        | Filing Fee              | 1,213.00      |
| 12/31/12        | Online research - Pacer | .30           |
| 1/31/13         | Online research - Pacer | 11.00         |
| 2/28/13         | Online research - Pacer | 2.40          |
| 3/31/13         | Online research - Pacer | .70           |
|                 | Copy Charge             | 167.55        |
|                 | Postage                 | 63.48         |
| Total Expenses: |                         | \$ 1,458.43   |

**Total This Matter** \$ 20,197.93

Client #: 45427 Buyers Only Real Estate Agency  
 Matter #: 9 Fee/Employment Apps  
 Invoice No. 367354

**Detail of Professional Fees**

| <u>Date</u> | <u>Atty</u> | <u>Description of Services Rendered</u>                    | <u>Hours</u> | <u>Amount</u> |
|-------------|-------------|--|--------------|---------------|
| 1/22/13     | TSC         | Attend hearing on Motion to Employ Counsel.                | 1.00         | 425.00        |
| 1/23/13     | SSB         | Draft and submit Order regarding: Employment               | .50          | 67.50         |
| 3/25/13     | SSB         | Draft App to Employ Special Counsel; Affidavit and related | 1.50         | 225.00        |



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 F.E.I. # 87-0399832

| <u>Date</u> | <u>Atty</u> | <u>Description of Services Rendered</u>   | <u>Hours</u> | <u>Amount</u> |
|-------------|-------------|---|--------------|---------------|
|             |             | documents   |              |               |
| 3/25/13     | SSB         | Contact Mr. Reade's office for documentation to back up application to employ regarding firm fee structure  | .20          | 30.00         |
| 5/08/13     | SLA         | Email correspondence with C. Reade regarding Application to Employ Special Counsel.   | .30          | 45.00         |
| 5/09/13     | SLA         | Revise Application to Employ, Verified Statement, conference with T. Cory regarding status, e-mail correspondence regarding same. Prepare Notice of Hearing, file Application, Verified Statement, Notice of Hearing. Begin Certificate of Service. | 1.80         | 270.00        |
| 6/21/13     | SLA         | Follow up with opposing counsel regarding Order Granting Motion Employ Special Counsel.   | .20          | 30.00         |
| 6/24/13     | SLA         | Follow up with opposing counsel regarding Order Granting Motion Employ Special Counsel, e-mail correspondence with C. Reade regarding same.   | .30          | 45.00         |

Total Fees: \$ 1,137.50

**Detail of Client Expenses**

| <u>Date</u> | <u>Description</u> | <u>Amount</u> |
|-------------|--------------------|---------------|
|             | Postage            | 9.20          |

Total Expenses: \$ 9.20

**Total This Matter** \$ 1,146.70

Client #: 45427 Buyers Only Real Estate Agency  
 Matter #: 11 Meeting of Creditors  
 Invoice No. 367354

**Detail of Professional Fees**

| <u>Date</u> | <u>Atty</u> | <u>Description of Services Rendered</u>                               | <u>Hours</u> | <u>Amount</u> |
|-------------|-------------|---|--------------|---------------|
| 1/10/13     | SSB         | Prepare file for 341 meeting of creditors; correspondence with Client | 1.40         | 189.00        |
| 1/16/13     | SSB         | Draft Notice of Continued 341 & COS; file and coordinate service      | 1.20         | 162.00        |

Total Fees: \$ 351.00

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**Total This Matter****\$ 351.00**

Client #: 45427 Buyers Only Real Estate Agency  
 Matter #: 12 Plan and Disc. Statements  
 Invoice No. 367354

**Detail of Professional Fees**

| <u>Date</u> | <u>Atty</u> | <u>Description of Services Rendered</u>   | <u>Hours</u> | <u>Amount</u> |
|-------------|-------------|---|--------------|---------------|
| 4/24/13     | KLC         | Reviewing, revising motion to value collateral on secured claims  | .70          | 273.00        |
| 4/24/13     | KLC         | Telephone call with Tim Cory regarding valuation, plan issues   | .30          | 117.00        |
| 5/06/13     | KLC         | Telephone call with Tim Cory regarding valuation issues   | .20          | 78.00         |
| 5/14/13     | SLA         | Draft Errata to Declaration of G. Anderson regarding Motion to Value Collateral; coordinate filing and service.   | 1.60         | 240.00        |
| 5/29/13     | KLC         | Telephone call with Tim Cory'   | .20          | 78.00         |
| 5/30/13     | KLC         | Drafting plan of reorganization   | .80          | 312.00        |
| 5/31/13     | KLC         | Drafting plan of reorganization for debtor  | 1.90         | 741.00        |
| 6/03/13     | KLC         | Drafting plan of reorganization for debtor  | 2.40         | 936.00        |
| 6/04/13     | KLC         | Drafting disclosure statement for plan  | .40          | 156.00        |
| 6/06/13     | KLC         | Drafting disclosure statement for plan  | .80          | 312.00        |
| 6/10/13     | KLC         | Telephone call with Tim Cory regarding plan and disclosure statement  | .20          | 78.00         |
| 6/10/13     | KLC         | Drafting disclosure statement for draft plan of reorganization  | 1.30         | 507.00        |
| 6/10/13     | SLA         | Email correspondence with T. Cory, G. Anderson regarding Declaration in Support of Reply to Opposition to Motion to Value Property and Cross-Motion to Appoint Receiver.  | .40          | 60.00         |
| 6/10/13     | SLA         | Conferences with T. Cory and draft Reply to Opposition to Motion to Value Property, Declarations in Support, Certificate of Service, forward same to C. Evarts, C. Reade. | 4.50         | 675.00        |
| 6/11/13     | KLC         | Drafting disclosure statement to go with plan of reorganization   | 2.50         | 975.00        |
| 6/11/13     | SLA         | Review e-mail from C Evarts, incorporate comments into Draft Reply.   | .50          | 75.00         |
| 6/11/13     | SLA         | Telephone conference with T. Cory, G. Anderson, e-mail correspondence regarding Reply. Make final revisions and prepare for filing, file Reply.                           | 1.20         | 180.00        |
| 6/12/13     | SLA         | Review pleadings and documents, determine applicability to June 18 hearings, prepare same for hearing.  | .80          | 120.00        |
| 6/14/13     | KLC         | Telephone call with Tim Cory regarding plan provisions  | .30          | 117.00        |
| 6/14/13     | KLC         | Revising plan of reorganization, drafting disclosure statement  | 2.10         | 819.00        |



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 F.E.I. # 87-0399832

| <u>Date</u>       | <u>Atty</u> | <u>Description of Services Rendered</u>   | <u>Hours</u> | <u>Amount</u>      |
|-------------------|-------------|---|--------------|--------------------|
| 6/14/13           | SLA         | Draft Cash Collateral Stipulation.  | 1.90         | 285.00             |
| 6/17/13           | KLC         | Drafting disclosure statement   | .70          | 273.00             |
| 6/17/13           | SLA         | Discern and review documents relevant to hearing on Motion to Value, update and organize same.  | .30          | 45.00              |
| 6/18/13           | SLA         | Begin draft Order Re Motion to Value Property.  | .30          | 45.00              |
| 6/20/13           | SLA         | Prepare Order Granting Motion to Value Collateral, circulate to R. Works, M. Mushkin for approval as to form and content.                           | 1.30         | 195.00             |
| 6/21/13           | SLA         | Follow up with opposing counsel regarding Order Granting Motion to Value.   | .20          | 30.00              |
| 6/24/13           | SLA         | Follow-up e-mail correspondence with M. Mushkin regarding Order Granting Motion to Value.   | .20          | 30.00              |
| 6/25/13           | SLA         | Follow up with opposing counsel regarding proposed revisions to Order Granting Motion to Value.   | .20          | 30.00              |
| 6/25/13           | SLA         | Email correspondence with opposing counsel regarding proposed changes to Order Granting Motion to Value, revise Order, circulate same for approval. | .70          | 105.00             |
| 6/26/13           | SLA         | Review e-mail correspondence from R. Works, M. Mushkin, upload proposed Order Granting Motion to Value.   | .30          | 45.00              |
| Total Fees:       |             |   |              | \$ 7,932.00        |
| Total This Matter |             |   |              | <u>\$ 7,932.00</u> |

Client #: 45427 Buyers Only Real Estate Agency  
 Matter #: 13 Relief from Stay Proceedings  
 Invoice No. 367354

**Detail of Professional Fees**

| <u>Date</u> | <u>Atty</u> | <u>Description of Services Rendered</u>  | <u>Hours</u> | <u>Amount</u> |
|-------------|-------------|--|--------------|---------------|
| 3/28/13     | SSB         | Scan Stip regarding: Relief from Stay; forward to Client and Mr. Reade   | .20          | 30.00         |
| 5/06/13     | SLA         | Telephone conference with B. Solomon from Nevada State Bank regarding case status, stay stipulation; e-mail correspondence with T. Cory regarding same | .40          | 60.00         |
| Total Fees: |             |  |              | \$ 90.00      |



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 F.E.I. # 87-0399832

**Total This Matter** \$ 90.00

Client #: 45427 Buyers Only Real Estate Agency  
 Matter #: 15 Litigation  
 Invoice No. 367354

**Detail of Professional Fees**

| <u>Date</u>              | <u>Atty</u> | <u>Description of Services Rendered</u>                            | <u>Hours</u> | <u>Amount</u>           |
|--------------------------|-------------|--|--------------|-------------------------|
| 2/19/13                  | SSB         | Review correspondence from Chris Reade regarding Newcom Litigation | .20          | 30.00                   |
| 3/14/13                  | TSC         | Finalize stipulation with M. Mushkin regarding arbitration         | .50          | 212.50                  |
| Total Fees:              |             |  |              | \$ 242.50               |
| <b>Total This Matter</b> |             |  |              | <u><u>\$ 242.50</u></u> |

**EXHIBIT D**

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## **PROJECT CATEGORIES AS USED BY DURHAM JONES & PINEGAR**

ACCOUNTING/AUDITING: Activities related to maintaining and auditing books of accounts; preparing, maintaining and reconciling accounting; preparation of financial statements and account analysis.

ASSET ANALYSIS AND RECOVERY: Identification and review of potential assets including 2004 examinations, causes of action, collection letters and related work, non-litigation recoveries and marshaling of assets.

ASSET DISPOSITION: Auctions, sales abandonments and all related transaction work.

BUSINESS OPERATIONS: Matters related to debtor-in-possession in Chapter 11 cases and operating Chapter 7 cases such as employee, vendor, tenant, payroll, employee and company insurance, employee contracts and similar matters.

CASE ADMINISTRATION: Coordination and compliance activities, including preparation of petition; matrix; statement of financial affairs; schedules; 20 largest creditors; list of executory contracts; United States Trustee interim statements and operation reports; contracts with the United State Trustee; base case venue; substantive consolidation; general creditor inquiries.

CHAPTER 11- IDI MEETING: Preparing for and attending the Initial Debtor Interview with the office of the United States Trustee.

CLAIMS ADMINISTRATION AND OBJECTIONS: Specific claim inquiries; bar date motions and notices; analysis of claims, objections and allowance of claims; and maintenance and reporting of claims database information.

EXECUTORY CONTRACTS: Activities including transaction work related to assumption or rejection of executory contracts and unexpired leases (§ 365 matters), except in connection with plan preparation.

DATA ANALYSIS: Preparation and maintenance of litigation and receivables database reports.

FEE/EMPLOYMENT APPLICATIONS: Preparation of employment and fee applications for self or other professionals; motions and notice to establish interim procedures; review of and objections to employment and fee applications; and related activities.

FINANCING: Matters related to cash collateral, loans and financing.

LITIGATION: All activities related to any adversary proceeding.

MEETING OF CREDITORS: Preparing for and attending the § 341(a) meeting and creditors committee meetings.

PLAN AND DISCLOSURE STATEMENT: Formulation, presentation and confirmation; plan consummation, except those related to the allowance and objections to claims and specific



adversary proceedings; case closing activities.

RELIEF FROM STAY PROCEEDINGS: Matters relating to the termination or continuation of the automatic stay under §362.

TAX ISSUES: Analysis of tax issues including the split year election, compilation of information for the preparation of tax returns, review and preparation of state and federal tax returns.

FIRST DAY MOTION MATTERS: matters related to standard first day motions, i.e. use of cash collateral, payment of critical vendors, cash management, etc.

*PROPOSED ORDER*

TIMOTHY S. CORY, ESQ.  
Nevada Bar No. 1972  
**DURHAM JONES & PINEGAR**  
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Las Vegas, Nevada 89135  
Telephone (702) 870-6060  
tcory@djplaw.com  
Attorneys for the Debtor

**UNITED STATES BANKRUPTCY COURT  
DISTRICT OF NEVADA**

IN RE:

BUYERS ONLY REAL ESTATE  
AGENCY, LLC,

Debtor.

Case No. 12-23519-BAM

Chapter 11

**Date: August 20, 2013**

**Time: 11:00 a.m.**

**ORDER GRANTING APPLICATION FOR COMPENSATION AND REIMBURSEMENT  
OF EXPENSES OF DURHAM JONES & PINEGAR, AS COUNSEL TO THE DEBTOR**

This Court having considered the Application for Compensation and Reimbursement of  
Expenses of Durham Jones & Pinegar (the "Application"), for allowance of compensation for

1 professional services rendered and reimbursement of actual and necessary expenses incurred in  
2 connection with its services rendered to the Debtor for the period from December 12, 2012  
3 through June 30, 2013 (the "Compensation Period"); Durham Jones & Pinegar having appeared  
4 on behalf of the Debtor; the Court having noted its findings of fact and conclusions of law on the  
5 record; and good cause appearing;

6  
7 IT IS HEREBY ORDERED that the Application is GRANTED. Attorneys fees in the  
8 amount of \$30,285.00, and reimbursement of expenses in the amount of \$1,477.91 for a total of  
9 **\$31,762.91**, \$15,643.40 of which will be paid from the funds held in Durham Jones & Pinegar's  
10 trust account. All Attorney fees and expenses shall be allowed as an Administrative expenses and  
11 immediate payment is allowed.

12  
13  
14 **IT IS SO ORDERED.**

15 Respectfully submitted:

16 **DURHAM JONES & PINEGAR**

17 /s/ Timothy S. Cory  
18 TIMOTHY S. CORY, ESQ.

###